

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

D'ARRIGO BROS. CO. OF NEW YORK, INC.,

Plaintiff,

-v-

JAMES CORRADO, INC., et al.,

Defendants.

CIVIL ACTION NO. 24 Civ. 3319 (JGK) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On August 9, 2024, the Court directed Plaintiff to serve on Defendants: (1) declarations and a memorandum of law regarding Defendants' liability, damages, and accrued attorneys' fees (ECF Nos. 23–25 (the "Liability and Damages Submissions")) and (2) a copy of the order issuing the directive. (ECF No. 32 (the "Aug. 9 Order")). The same day, Plaintiff filed proof of service of the Aug. 9 Order. (ECF No. 33). It has not, however, filed by its August 16, 2024 deadline proof of service of the Liability and Damages Submissions as required by the Aug. 9 Order.

As a one-time courtesy, the Court sua sponte EXTENDS Plaintiff's deadline to serve the Liability and Damages Submissions and Aug. 9 Order on Defendants to **Friday, August 23, 2024**. Plaintiff must also serve a copy of this Order on Defendants and file proof of service of each item on the docket by **Monday, August 26, 2024**.

In light of Plaintiff's extended deadline, Defendants' deadline to respond to Plaintiff's Liability and Damages Submissions is EXTENDED to **Friday, September 13, 2024**. IF DEFENDANTS (1) FAIL TO RESPOND TO PLAINTIFF'S LIABILITY AND DAMAGES SUBMISSIONS, OR (2) FAIL TO CONTACT MY CHAMBERS BY THE DATE THEIR RESPONSE IS DUE, I INTEND TO

ISSUE A REPORT AND RECOMMENDATION CONCERNING DAMAGES BASED ON PLAINTIFF'S WRITTEN SUBMISSIONS ALONE WITHOUT AN IN-COURT HEARING. See Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997) (“[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment.”) (quoting Fustok v. ContiCommodity Services Inc., 873 F.2d 38, 40 (2d Cir. 1989)).

Dated: New York, New York
August 20, 2024

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge

<u>Requested Costs</u>		
Type of Expense	Evidence (with ECF cite)	Amount Requested
	TOTAL:	